

Applicant: Patrice Flaherty  
Application No: 10/630,402  
Filing Date: 07/30/2003  
Attorney Docket No: 1066

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#### REMARKS

Claims 1-32 are pending herein.

Claims 12-23 are withdrawn.

Claims 1-11 and 24-32 are rejected.

Claims 1, 7 and 24 are currently amended.

#### Claim rejections under 35 U.S.C. 102

Claims 1-6 and 32 were rejected under 35 U.S.C. 102(b) as being anticipated by Prager (U.S. Pat. No. 4,257,416).

It is respectfully submitted that Prager fails to disclose a device comprising "a main tubing segment...an indicator unit and a syringe port disposed in fluid communication with said main tubing segment in branched relationship to each other; said indicator unit adapted for indicating blood content...*at least one air-permeable membrane provided in said indicator unit*", as set forth in amended claim 1 and defined by claims 2-6 and 32 as dependent from amended claim 1.

Therefore, it is respectfully submitted that Prager fails to anticipate claims 1-6 and 32 under 35 U.S.C. 102(b). Reconsideration and allowance of claims 1-6 and 32 is therefore respectfully solicited.

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**Claim rejections under 35 U.S.C. 103**

Claims 7-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over:

Prager in view of Wilkinson et al. (U.S. Pat. No. 6,235,010).

It is respectfully submitted that Prager in view of Wilkinson et al. fails to teach or suggest a device comprising "a main tubing segment...an indicator unit and a syringe port disposed in fluid communication with said main tubing segment in branched relationship to each other, said indicator unit adapted for indicating blood content...*at least one air-permeable and liquid-impermeable membrane provided in said indicator unit...*", as set forth in amended claim 7 and defined by claims 8-11 as dependent from amended claim 7.

It is noted that Wilkinson et al. fails to teach or suggest that the indicator unit (45) acts as a vent during operation of the Wilkinson et al. device; rather, the vent caps (40, 44) act as vents for the discharge of air (col. 2, lines 25-30; col. ). Therefore, the Prager and Wilkinson et al. patents would fail to provide any teaching, suggestion or motivation to a person of ordinary skill in the art to provide the air-permeable membrane of Wilkinson et al. in the indicator unit of Prager.

Accordingly, it is respectfully submitted that Prager in view of Wilkinson et al. fails to render claims 7-11 obvious within the contemplation of 35 U.S.C. 103(a). Reconsideration and allowance of claims 7-11 is therefore respectfully solicited.

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Claims 24-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Prager in view of Wilkinson et al.

It is respectfully submitted that Prager in view of Wilkinson et al. fails to teach or suggest a device comprising "a main tubing segment...an indicator unit and a port disposed in fluid communication with said main tubing segment in branched relationship to each other, said indicator unit having a blood volumeter adapted for indicating blood content...*at least one air-permeable membrane provided in said indicator unit in fluid communication with said blood volumeter*", as set forth in amended claim 24 and defined by claims 25-32 as dependent from amended claim 24.

Therefore, it is respectfully submitted that Prager in view of Wilkinson et al. fails to render claims 24-32 obvious within the contemplation of 35 U.S.C. 103(a). Reconsideration and allowance of claims 24-32 is therefore respectfully solicited.

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*Conclusion*

Every effort has been made to amend applicant's claims in order to define the invention in the scope to which it is entitled. Accordingly, reconsideration and allowance of claims 1-11 and 24-32 is respectfully solicited.

Respectfully submitted,



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